REMARKS

Claims 1-17 are currently pending in the application. Only claims 1 and 14 are in independent form.

Claims 1-6, 8-11 and 13-46 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Lohrey, et al. patent. Reconsideration of the rejection under 35 U.S.C. § 102(b), as anticipated by the Lohrey, et al. patent, as applied to the claims is respectfully requested. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

In Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q. 81 (Fed. Cir. 1986) it was stated: "For prior art to anticipate under §102 it has to meet every element of the claimed invention."

In Richardson v. Suzuki Motor Co., Ltd., 868 F.2d 1226, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) it was stated: "Every element of the claimed invention must be literally present, arranged as in the claim."

The Office Action states that the Lohrey, et al. patent, discloses an automatic customer interface for services involving drop-off and pick-up. Specifically, the Office Action states that the Lohrey, et al. patent discloses a kiosk style customer interface facility with a customer interface panel and a storage facility (securing means). The customer service interface facility is a general computer networked with a central computer at a central processing plant. When read more specifically, the Lohrey, et al. patent discloses a system for automating a dry cleaning service. Specifically, the system enables an individual to drop off their dry cleaning, indicate how many pieces of dry cleaning are being dropped off and how the clothes should be cleaned. The clothes can be picked up at a later date and the costs for the dry cleaning can be paid using a credit card. The Lohrey, et al. patent discloses a system that can be used for services such as shoe shine and repair, film processing, clothing repairs and alterations, video rentals and dry cleaning, all of which can b broadly

described as services that require the customer to go to a specific location, drop off an item and return to that same specific location to retrieve the item. There is no disclosure of the inclusion of processing means for processing and altering the flow of information required for the performance of a service as recited in the presently pending independent claims. The processing means recited in the presently pending independent claims is defined in the specification at page 5, line 28 through page 6, line 3 as an automated system that controls immediate and virtual management of the services being performed. In other words, the processing means functions to control the flow of information within the system. The processing means is able to divert the flow of information based upon the informational needs of the user (i.e. individual performing the service). For example, when an individual supplies the information required in order for the services to be performed and provides the necessary method of payment, the individuals performing the services do not receive the information regarding the method of payment. Instead, the individuals performing the services only receive the information pertaining to the services that are to be performed. Additional personnel responsible for billing the services receive only the information pertaining to the method of payment. In other words, personnel associated with the system only receive the information requisite for the performance of their immediate task. There is no disclosure in the Lohrey, et al. patent for the inclusion of the processing means of the presently claimed invention. There is therefore, no disclosure or suggestion in the Lohrey, et al. patent for the inclusion of the processing means as recited in the presently pending independent claims. Accordingly, the claims are patentable over the Lohrey, et al. patent and reconsideration of the rejection is respectfully requested.

Claims 7 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Lohrey, et al. patent in view of Applicant's disclosure. In response thereto, Applicants submit that the presently pending claims are not obvious in view of the cited prior art references.

It is Hornbook Law that before two or more references may be combined to negative patentability of a claimed invention, at least one of the references must teach or suggest the benefits to be obtained by the combination.

This statement of law was first set forth in the landmark case of Ex parte McCullom, 204 O.G. 1346; 1914 C.D. 70. This decision was rendered by Assistant Commissioner Newton upon appeal from the Examiner-in-Chief and dealt with the matter of combination of references. Since then many courts have over the years affirmed this doctrine.

The applicable law was more recently restated by the Court of Appeals for the Federal Circuit in the case of ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572,1577, 221 U.S.P.Q. 929 (Fed. Cir. 1984). In this case the Court stated, on page 933, as follows:

> "Obviousness cannot be established by combining the teachings of th prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under Section 103 teachings of references can be combined only if there is some suggestion or incentive to do so. The prior art of record fails to provide any such suggestion or incentive. Accordingly we hold that the court below erred as a matter of law in concluding that the claimed invention would have been obvious to one of ordinary skill in the art under section 103."

This Doctrine was even more recently reaffirmed by the CAFC in Ashland Oil, Inc. v. Delta Resins and Refractories, Inc., et al., 776 F.2d 281,297, 227 U.S.P.Q. 657,667. As stated, the District Court concluded:

> "Obviousness, however, cannot be established by combining the teachings of the prior art to produce the claimed invention unless there was some teaching, suggestion, or incentive in this prior art which would have made such a combination appropriate."

The Court cited ACS Hospital Systems, Inc. in support of its ruling. This Doctrine was reaffirmed in In re Deuel, 34 USPQ2d 1210 (Fed. Cir. 1995).

The Office Action states that the Lohrey, et al. patent does not specifically teach that the central processing plant is a mobile vehicle service station, but that the patent does teach that the system can be used for any service, which involves both the drop-off and pick-up of items by a customer. There is no disclosure or suggestion in the Lohrey, et al. patent for the inclusion of processing means for processing the information received into the system, such that the flow of information

is altered depending upon what information is received into the system and what information is needed by the servicing parties. There is no disclosure or suggestion in the Lohrey, et al. patent for the processing means that is recited in the presently pending independent claims. Additionally, it would not be obvious for one of ordinary skill in the art at the time the invention was made to read the Lohrey, et al. patent and include processing means for altering the flow of information received into the system. Since the Lohrey, et al. patent neither teaches nor suggests the combination as recited in the presently pending independent claims, the claims are patentable over the cited prior art, and reconsideration of the rejection is respectfully requested.

Claim 12 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over the Lohrey, et al. patent in view of Official Notice. In response thereto, Applicants submit that the presently pending claims are not obvious in view of the cited prior art references.

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The Office Action states that the Lohrey, et al. patent does not teach color coded parts for indicating that service has occurred, but that official notice has been taken that it is old and well-known in the art for service businesses to use color coded systems to indicate different levels of work completed as a means of quickly identifying items within a process. For example, the Lohrey, et al. patent uses a color-coded system, i.e. different colors of bags for dirty laundry versus clean laundry in order to quickly differentiate between the two types of laundry. There is no disclosure in the Lohrey, et al. patent, nor is there any indication that it is well-known for those of skill in the art, especially in the art of auto servicing to use color-coded systems to indicate when a specific service or process has been completed. The use of different colored bags for dirty laundry versus clean laundry is not necessarily a color-coded system, but is instead a differentiation utilized by the system of the Lohrey, et al. patent. There is no suggestion in the Lohrey, et al. patent to extrapolate this system for use in other services. For example, there is no disclosure for the shoeshine and repair service to have a different colored tag on shoes that are repaired versus unrepaired. It is respectfully submitted that the official notice is

improper and there is no justification for the official notice and instead, presently pending claim 12 is patentable over the Lohrey, et al. patent and reconsideration of the rejection is respectfully requested.

The remaining dependent claims not specifically discussed herein are ultimately dependent upon the independent claims. References as applied against these dependent claims do not make up for the deficiencies of those references as discussed above. The prior art references do not disclose the characterizing features of the independent claims discussed above. Hence, it is respectfully submitted that all of the pending claims are patentable over the prior art.

In view of the present amendment and foregoing remarks, reconsideration of the rejections and advancement of the case to issue are respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

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